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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,035	12/27/2001	Stephen D. Battaglini	PC-1053CIP	2118
23717	7590	11/29/2004		
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922			EXAMINER CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/027,035	Applicant(s) BATTAGLINI ET AL.	
	Examiner Salvatore Cangialosi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>           Paper No(s)/Mail Date <u>12/27/2001</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>           Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-25 are rejected under 35 U.S.C. § 103 as being unpatentable over Cohen (4750119) or Abecassis (5426281) in view of Brody et al (5350906 cited by applicant).

Regarding claim 1, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent and disbursing funds to a remote site substantially as claimed. The differences between the above and the claimed invention is the use of a recipient with immediate access. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to the claimed limitations. Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer

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employing magnetic cards. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Cohen or Abecassis because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding money limitations of claim 2, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent which is a functional equivalent of the claim limitations. Regarding cash limitations of claim 3, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent which is a functional equivalent of the claim limitations. Regarding ATM/POS limitations of claim 4, Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) or Brody et al (See Fig. 3, Col. 1, lines 30-50) show POS and ATM currency transfer which are the functional equivalents of the claim limitations. Regarding the magnetic card limitations of claim 5, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which is a functional equivalent of the claim limitations since all ATM's are tethered to a communication and power line. Regarding card limitations of claim 6, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing

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magnetic cards that is a functional equivalent of the claim limitations. Regarding the card limitations of claim 7, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 8, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding authorization limitations of claim 9, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent upon authentication which is a functional equivalent of the claim limitations. Regarding telephone limitations of claim 10, Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent employing telephones which is a functional equivalent of the claim limitations. Regarding the modem limitation of claim 11 Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent employing modem which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 12, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards

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which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 13, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 14, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 15, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding claim 16, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a method for transferring funds to a remote escrow agent and disbursing funds to a remote site by means of telephone substantially as claimed. The differences between the above and the claimed invention is the use of a recipient with immediate access. It is noted that it is believed that the escrow agent and those who receive the disbursements are functionally equivalent to the claimed limitations. Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards. It would have been obvious to the person having ordinary skill in this art to provide a similar

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arrangement for Cohen or Abecassis because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding the card limitations of claim 17, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent of the claim limitations. Regarding claim 18, Cohen (See Fig. 2, Col. 7, lines 50-65) or Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) disclose a means for transferring funds to a remote escrow agent and disbursing funds to a remote site by means of telephone substantially as claimed. The differences between the above and the claimed invention is the use of a recipient with immediate access. It is noted that it is believed that the escrow agent and those merchants who receive the disbursements are functionally equivalent to the claimed limitations. Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Cohen or Abecassis because the remote fund transfer are conventional functional equivalents with respect to the claim limitations in electronic funds transfer. Regarding the card limitations of claim 19, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which are either credit or debit which is a functional equivalent

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of the claim limitations. Regarding ATM limitations of claim 20, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer which are the functional equivalents of the claim limitations. Regarding the magnetic card limitations of claim 21, Brody et al (See Fig. 3, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards which is a functional equivalent of the claim limitations since all ATM's are tethered to a communication and power line. Regarding POS limitations of claim 22, Abecassis (See abstract, Figs. 1A, Col. 2, lines 15-30, Col. 3, lines 45-60 claims 1 and 5) show POS currency transfer which are the functional equivalents of the claim limitations. Regarding the card limitations of claims 23-25, Brody et al (See Fig. 7 and 8, Col. 1, lines 30-50) show ATM currency transfer employing magnetic cards with different magnetic stripes for different uses. The differences between the above and the claimed invention is the use of a plural stripes on the same card. It is noted that it is believed that use of different stripes on a single card is obvious. Otherwise resort can be had to Figs 2 and 8 of Chapin, Jr(5883377) for a showing of same.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.



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**Any response to this action should be mailed to:**

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**or faxed to (703)872-9306**

Hand delivered responses should be brought to Crystal Park  
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Any inquiry of a general nature or relating to the status of  
this application or proceeding should be directed to the  
Technology Center 3600 Customer Service Office whose telephone  
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Information regarding the status of an application may be  
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SALVATORE GANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222